

HONORABLE ROBERT J BRYAN

IN THE UNITED STATES DISTRICT COURT
IN AND FOR THE WESTERN DISTRICT OF WASHINGTON

NATHEN BARTON,
Plaintiff,

No. 3:21-cv-05338-RJB

vs.

RESPONSE TO MOTION TO COMPEL

SERVE ALL, HELP ALL, INC.,
Defendant

Noted on Motion Calendar:
December 16, 2022

AND RELATED COUNTERCLAIM

COMES NOW Defendant and Counterclaimant SERVE ALL, HELP ALL, INC.

(“SAHA”) and responds to Plaintiff/Counterclaimant NATHEN BARTON’s Motion to Compel I, Donna Gibson, declare as follows:

First, the ecf notification of the motion states that it is noted for December 16, 2022. The face of the document states that it is noted for December 23, 2022. It is unclear when this is noted for.

Further, there is no basis for this motion to compel. Counsel has not failed to respond. Counsel made it quite clear to Mr. Barton that she had a meeting scheduled with SAHA on November 28, 2022, and it is in the agreed order to amend the discovery deadline (dkt. 100, page 2 lines 9 through 12). Counsel for SAHA had an in person meeting at SAHA’s office in Costa Mesa, California, the Monday after Thanksgiving, November 28, 2022. Counsel received

DECLARATION IN SUPPORT OF RESONSE TO MOTION TO
COMPEL

3:21-cv-05338-RJB

LAW OFFICE OF DONNA BEASLEY GIBSON
1415 Commercial Ave Suite 209
Anacortes, WA 98221
206-242-5529

1 information to be put into declarations and responses to discovery as well as 100s of pages of
2 documents via email, to review and redact as appropriate and to Bates stamp.

3 Further, she emailed Barton on Wednesday November 30, 2022 to advise of bates stamping
4 and redacting, yet he filed his motion to compel just after midnight, without confirming or
5 receiving that there was not going to be a response. In fact, at 5:50 pm Wednesday November 30,
6 2022, he responded to “please redact”. He cannot expect 100s of pages to be redacted in a few
7 hours.

8 Counsel returned and began bates stamping, reviewing documents and creating declaration
9 and updated responses. Counsel informed Mr. Barton of such on Wednesday and discussed
10 redaction and sent a declaration from SAHA’s IT person.

11 Around midnight between Wednesday November 30 and Thursday, December 1, 2022, Mr.
12 Barton filed his motion to compel. *See docket 103.*

13 Counsel responded via email to Mr. Barton that bates stamping was taking a bit and that
14 Mr. Barton would have everything by Monday (meaning December 7, 2022

15 A few hours later, counsel was in the ER and was placed on medical leave for two weeks
16 due to an acute medical condition, to return on December 19, 2022. Counsel is the only attorney
17 in her office that handles civil matters. There are multiple sets of discovery to update responses to
18 and 100’s of pages of discovery to bates stamp and redact. Counsel emailed Mr. Barton that letter
19 from the hospital the following morning, on Friday, December 2, 2022, even though this motion
20 had already been filed.

21 Although Mr. Barton’s requested time frame of 10 days after the entry of the order should
22 allows counsel more than enough time to respond, it is actions such as this premature motion that
23 contribute to frustration and “time wasting” in this case.

24
DECLARATION IN SUPPORT OF RESONSE TO MOTION TO
COMPEL

3:21-cv-05338-RJB

LAW OFFICE OF DONNA BEASLEY GIBSON
1415 Commercial Ave Suite 209
Anacortes, WA 98221
206-242-5529

1 Counsel will comply, but it is unclear whether this motion is noted for the 16th or the 23
2 and also, that it is premature, from counsel's perspective.

3 Respectfully submitted this 12th day of December, 2022
4 ,

s/ Donna Gibson

Donna Gibson, WSBA 33583
Law Office of Donna Beasley Gibson PLLC
Attorney for Defendant/Counterclaimant
SERVE ALL, HELP ALL, INC.
1415 Commercial Ave #209
Anacortes, WA 98221
Phone (206) 242-529
Fax (425) 332-7068
donna@donnagibsonlaw.com